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SUBJECT: TIP IN TURKEY: UPDATED MFA COUNTRY REPORT ON HUMAN  
SMUGGLING

1. (U) In response to G/TIP inquiries about anti-TIP public information campaigns, post provides the following Human Smuggling Country Report produced by the Turkish MFA's National Task Force on Human Trafficking. The Report is available on-line at the Ministry of Foreign Affairs website: <http://www.mfa.gov.tr/>.

2. Updated Turkish MFA Report on Human Smuggling (February 2004):

TITLE: Updated Country Report of Turkey on Illegal Migration

BEGIN TEXT: The world-wide increase in illegal migration has prompted the origin, transit and destination countries to take counter measures. As a form of criminal activity, migrant smuggling has long ceased to be a problem of individual countries. The experience gained during these years made it clear that the full understanding of illegal migration process can only be achieved by examining the complex, multifaceted and global nature of the illegal migratory flows. Socio-economic imbalances, political instability and human rights violations are among the main causes leading people to search for better living standards. Therefore, these problems should not be treated as national issues, neither for receiving nor for sending countries. Countervailing measures need to be developed in a cooperative manner. The solution depends in large measure on finding effective responses and solutions at international level within a burden sharing approach.

Turkey, at the cross-roads of Asia, Middle East and Europe, bordering eight countries and lapped by 5,000 miles of coastline, has seriously been confronted with various forms of this transnational crime which without doubt, pose a threat to its social order, human and democratic values.

As a consequence of various developments taking place at the regional and global level, Turkey, due to its geographical situation, needed to tend an ever-growing illegal migratory pressure. As estimated, 500.000 illegal migrants reach the European countries annually.

Each year more than 100.000 illegal migrants bound for Europe are apprehended in Turkey. As a result of intensified efforts and initiatives, the trend of illegal migration via Turkey has shown a decrease and migration flows have been diverted away to other international routes in 2002 and 2003. Thus, a concrete progress against illegal migration and human trafficking is accomplished.

Furthermore, to this end important reforms have been carried out within the ongoing judicial and legal reform process. Legislation has been strengthened and heavier penalties are prescribed against criminal networks involved in migrant smuggling and human trafficking. In accordance with the UN Convention against Transnational Organized Crime and its supplementary Protocol against Migrant Smuggling and Human Trafficking, necessary amendments have been incorporated to our penal code, defining migrant smuggling and human trafficking and prescribing 2 to 20 years of imprisonment depending on the aggravating circumstances.

The Turkish Parliament has ratified the UN Convention and its two Protocols: one Against Migrant Smuggling and the other for the Prevention of Trafficking in persons on 18 March 2003.

Moreover, the Ministry of Health has made the necessary arrangements in order to provide medical treatment free of charge to victims of trafficking in human beings. A decree to this effect has become effective on 2 January 2004.

To ensure the law enforcement, regular training activities have been organized for the officers, judges and prosecutors who are in charge of the fight against

migrant smuggling and trafficking in human beings. In order to raise the public awareness in the fight against migrant smuggling and trafficking in human beings, several meetings and seminars have been organized by Turkish NGOs and the media in 2002-2003.

Preventive measures taken by the Turkish Coast Guard have seriously hindered the illegal departure of boats and vessels from Turkish ports to the Aegean and Mediterranean Seas. The number of boats/vessels carrying illegal migrants and reaching EU countries was 19 in 2000. This number dropped to 9 in 2001 and to 2 in 2002. In 2003, no boat/vessel of the kind reached the EU countries.

On the other hand, Turkey committed itself to conclude readmission agreements with its neighbouring countries and the countries of origin. To this end, Turkey signed readmission agreements with Greece, Syria, Kyrgyzstan and Romania. With Bulgaria, Uzbekistan, Libya and Ukraine negotiations are underway.

Turkey has proposed readmission agreements to 22 additional countries of origin.

Turkey implements an effective readmission policy compatible with international laws and practices: Turkey readmits its own nationals in accordance with its Constitution and Passport law. In accordance with Article 23 of the Turkish Constitution, "Turkish citizens cannot be deported and cannot be denied the right to enter Turkey". Paragraph 3 of Passport law NO.5682 stipulates that individuals, who arrive at the Turkish border claiming Turkish citizenship, shall be granted entry into Turkey when their identities as Turkish nationals are determined.

In accordance with ICAO rules, Turkey also readmits nationals of third countries who have departed from the Turkish territory by aircraft and returned to Turkey because of their illegal status with the same or, if not possible, with the next aircraft. Turkey also readmits those third country nationals having valid Turkish residence permits.

The "Law on Work Permits for Foreigners" has been approved by the Parliament and entered into force on 6 September 2003. The Ministry of Labour and Social Security is assigned as the central and only authority to issue work permits for foreigners in Turkey. The amendment to the article 5 of the Citizenship Law number 403 was approved by the Turkish Parliament on 4 June 2003. With this amendment a probation period of 3 years is required for acquiring Turkish citizenship through marriage. Accordingly, those who have a job incompatible with the marriage and do not share the same house with his/her spouse will not be able to acquire Turkish citizenship.

Turkey has made considerable progress in the process of harmonization with the EU visa regime. In 2002, visa requirements were introduced to 6 Gulf countries. This is an ongoing process, whereby visa requirements for an additional 13 countries are introduced. As a result, Turkey has harmonized its legislation with the EU Visa Negative List by 75%. Turkey plans to introduce visa requirements for the remaining countries on the Negative List by the end of the year 2005.

In accordance with the EU Accession Partnership and Turkey's EU National Programme, Turkish Authorities already initiated a process to strengthen the border controls and develop better institutional and technical capacity at the borders to prevent illegal migration.

In this respect a working group within the Ministry of Interior, composed of all relevant government agencies on the management of external borders according to EU "acquis" is established. The working group has analyzed the "acquis", as well as best practices within the EU and has prepared a Strategy Paper. As a result, "Border Guard Unit" will be established within the Ministry of Interior.

In this regard, several projects are prepared to be co-funded by Turkey and EU. The most important one of these projects concerns setting up of 12 reception centers throughout Turkey, to accommodate the apprehended illegal migrants until they are back. The second crucial one covers creation of a fund to return the illegal migrants who are citizens of non-neighbouring countries. Third one comprises installation of infrared systems to 21 Turkish Coast Guard boats, the fourth one provides for the purchase of 5 F-406 REIMS type aircraft which can produce sensitive mapping, search and rescue operations. The

fifth one aims at setting up of physical security  
system at Turkey's land borders.  
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